

SUPPLEMENTAL AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 09/828451
Filing Date: April 6, 2001
Title: DEEP ORGAN ACCESS DEVICE AND METHOD

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Dkt: 723.031US1

REMARKS

This responds to the Office Action mailed on January 12, 2004, and the references cited therewith.

Claims 90, 103, 104, 107, 111-114, 116, 120 and 125 are amended, claims 1-89, 91-92 and 109-110 are canceled, as a result claims 90 and 93-108 and 111-128 are now pending in this application.

Interview Summary

Between May 24, 2004 and May 28, 2004, Applicant's counsel Suncel Arora engaged in a series of helpful telephonic interviews with Examiner Kathryn Odlund. The claims being amended herein were discussed, along with Baudino et al. U.S. Patent No. 5,927,277 and Dreessen et al. U.S. Patent No. 5,843,150. Based on these interviews, Applicant believes that an agreement was reached with Examiner Odlund that the presently submitted claims (as amended) are allowable over the art of record. However, Applicant is submitting herewith a Supplemental Information Disclosure Statement including additional references for the Examiner's consideration, as well as a Communication Concerning Related Applications. Applicant respectfully requests consideration of these additional materials and allowance of all of the presently pending claims.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

May 28, 2004

By



Suneel Arora

Reg. No. 42,267

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on May 28, 2004.

PATRICIA A. HULTMAN

Name



Signature